

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SAMUEL FETCHERO and ALLISON  
FETCHERO,

CASE NO. 2:22-cv-400

## Plaintiffs,

## ORDER ON JOINT MOTION FOR A CONTINUANCE

V.

**AMICA MUTUAL INSURANCE  
COMPANY,**

Defendant.

This matter comes before the Court on the parties' joint motion to continue the deadline for motions related to discovery, the discovery cut off, and the deadline for dispositive motions. Dkt. No. 33. The parties do not request that the Court continue the trial date. *Id.* at 1. The parties state they have effectuated timely, efficient, and cost-effective discovery but "have discovered circumstances that necessitate additional time to complete discovery, depose necessary witnesses, and complete work with their respective experts." *Id.* at 2. The parties argue a continuance is required to avoid prejudice. *Id.*

Under Federal Rule of Civil Procedure 16(b)(4), a scheduling order “may be modified only for good cause and with the judge’s consent.” Good cause exists if the pretrial schedule “cannot reasonably be met despite the diligence of the party seeking the extension.” Fed. R. Civ. P. 16(b) advisory committee’s note to 1983 amendment. The Court finds good cause given the

1 parties' diligent efforts to complete discovery. Although a “[m]ere failure to complete discovery  
 2 within the time allowed does not constitute good cause,” the parties in this case failed to  
 3 complete discovery despite diligent efforts; thus, a continuance is warranted. *See LCR 16(b)(6).*

4 The Court also finds good cause to continue the trial date. If the Court extends the  
 5 dispositive motion deadline but keeps the original trial date, there will be insufficient time for the  
 6 Court to rule on any dispositive motions prior to commencement of trial. Accordingly, the Court  
 7 orders that the trial date be continued to January 2, 2024, with the related dates continued as  
 8 follows:

EVENT	DATE
Jury trial begins	January 2, 2024
Length of trial	10 days
All motions related to discovery must be filed by	June 30, 2023
Discovery completed by	July 28, 2023
All dispositive motions and motions challenging expert witness testimony must be filed by	August 24, 2023
Settlement conference under LCR 39.1, if requested by the parties, held no later than	November 3, 2023
All motions in limine must be filed by ( <i>see LCR 7(d)</i> )	November 27, 2023
Deposition Designations must be submitted to the Court by ( <i>see LCR 32(e)</i> )	December 12, 2023
Agreed pretrial order due	December 12, 2023
Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by	December 19, 2023
Pretrial conference	December 26, 2023

1 It is so ORDERED. The Clerk is directed to send uncertified copies of this Order to all  
2 counsel of record and to any party appearing pro se at said party's last known address.  
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4 Dated this 30th day of May, 2023.

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7 Jamal N. Whitehead  
8 United States District Judge  
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